

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Agriculture, Conservation and Forestry

comprehensive land use plan.

Committee Amendment "A" (H-468)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires the Maine Land Use Regulation Commission to submit a comprehensive land use plan or portions of a plan to the joint standing committee of the Legislature having jurisdiction over conservation matters a minimum of 30 days prior to the final vote of the commission. It requires review by the legislative committee at a public meeting prior to the commission's vote. The commission must brief the committee on anticipated rule changes resulting from the revised plan. It retains the Governor's role in the process as it is under current law.

Enacted Law Summary

Public Law 2009, chapter 375 requires the Maine Land Use Regulation Commission to submit a comprehensive land use plan to the joint standing committee of the Legislature having jurisdiction over conservation matters a minimum of 30 days prior to the final vote of the commission. The commission must brief the committee on anticipated rule changes resulting from the revised plan. It requires review by the legislative committee at a public meeting prior to the commission's vote.

Public Law 2009, chapter 375 was enacted as an emergency measure effective June 12, 2009.

LD 1053 An Act To Ensure Humane Dog and Cat Breeding in the State

LEAVE TO
WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS	LTW	

This bill amends the definition of "breeding kennel" to include any location where dogs or cats capable of breeding are kept and one or more dogs or cats are sold. It increases the fee for licensing a dog that has not been spayed or neutered. It restricts the number of adult female dogs or cats capable of breeding that can be kept at a breeding kennel to 10. It establishes a license fee for breeding kennels that is based on the number of adult female dogs or cats capable of breeding kept at the kennel. For pet shops that sell dogs, the license fee is increased incrementally based on the number of dogs sold or offered for sale in the previous year.

LD 1103 An Act To Amend the Animal Welfare Laws

PUBLIC 343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-523

This bill makes several revisions to the animal welfare laws in Maine Revised Statutes, Title 7 and Title 17.

Committee Amendment "A" (H-523)

This amendment removes the section of the bill that expanded membership on the Animal Welfare Advisory Council. It also removes language that included day care facilities for companion animals in the definition of "boarding kennel" and the requirement that a person operating a wolf hybrid kennel maintain records for 10 years.

Joint Standing Committee on Agriculture, Conservation and Forestry

It removes the requirement that the Department of Agriculture, Food and Rural Resources must approve an animal shelter's adoption policy for the shelter to be eligible for reimbursement.

It clarifies that only humane agents and state veterinarians who have received training and certification from the Maine Criminal Justice Academy are authorized to serve civil process or represent the Department of Agriculture, Food and Rural Resources in District Court. It revises the shelter and tethering requirements for dogs used in competition to mirror the requirements for dogs kept as sled dogs. It clarifies that the process for the Commissioner of Agriculture, Food and Rural Resources to revoke or suspend licenses must be in accordance with the Maine Administrative Procedure Act.

Enacted Law Summary

Public Law 2009, chapter 343 removes the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee as an ex officio member of the Animal Welfare Advisory Council. It changes the definition of "boarding kennel" to include training facilities that board or keep animals while they are in training. It allows humane agents who have been trained and certified to issue civil summons for violations of animal welfare laws. It authorizes the commissioner to suspend or revoke their state-issued certification for an animal control officer. It requires animal shelters to have an adoption policy to be eligible to receive reimbursement for stray animals.

It reduces the holding period for feral cats to 24 hours. It requires animal shelters to send notice to the last known address of a person hospitalized or incarcerated. It authorizes the commissioner to allow animal shelters to issue dog licenses.

It prohibits the Department of Agriculture, Food and Rural Resources from issuing licenses for an animal shelters to felons with certain convictions within 10 years of the license application. It allows the department to revoke or suspend a facility license if that facility violates any quarantine or maintains animals contrary to the rules of the department, fails to keep records required or violates any provision of laws or rules of the Department of Inland Fisheries and Wildlife. It eliminates the requirement that a municipality issue a warrant and direct a law enforcement officer to issue summons for failure to comply with the dog licensing law.

It requires municipalities to notify the Commissioner of Agriculture, Food and Rural Resources within 10 days of the appointment or vacancy of an animal control officer. It increases the maximum fine that may be imposed on a municipal official who does not perform that official's duties regarding animal control and welfare.

It revises shelter requirements and clarifies shelter and tether requirements as they apply to sled dogs and dogs used in competition. It authorizes the Department of Agriculture, Food and Rural Resources to suspend or revoke the license of a breeding kennel or pet shop that fails to comply with laws and rules pertaining to the sale of dogs and cats.

LD 1133 An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland

PUBLIC 356

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-274

This bill is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 2007, chapter 649, section 11, subsection 6. It implements the recommendations of the Commission to Study the Protection of Farms and Farmland.

Part A establishes a process for the voluntary designation of farms as "Farming for Maine" farms. It requires